

THE DAILY NEWS.

The Official Organ of the City.

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REV. J. B. BOBBITT has been re-elected editor of the *Christian Advocate*. He is an ornament to the journalistic profession of the State, as well as a most useful and zealous christian minister, and we are pleased to see him continued in the position which he has filled so faithfully and well for the past few years.

Our neighbor, the *Sentinel*, has been discontinued as a daily and will appear henceforth as a semi-weekly. There is no change in its ownership. Messrs. Smith, Batchelor and Hearne continuing as proprietors. Col. P. Donan withdraws from the editorial staff, and we regret to say, will leave the State. During his sojourn with us he made many, many friends, and will carry with him the good wishes of all.

The elections for this State will assemble in this city on Wednesday. We trust that every elector will be present. The Republicans raise an objection to William B. Glenn, elector from the 7th district, on the ground that he was at the time of his election an office-holder under the United States—a member of the Southern Claims Commission. When it is known that Mr. Glenn resigned that position about two years ago, the Republican objection fades into thin air like Keogh's protest.

ELSEWHERE we publish the speech of Hon. James L. Robinson, President pro tem. of the Senate, made during the joint session of the two Houses of the General Assembly, Tuesday, November 28th, when the vote for State officers was being canvassed. The speech is mainly directed to precedents in the manner of dealing with defective returns, and is an able exposition of the action taken by the majority in the matter, as Mr. Robinson's views were carried out. It also preserves, in part, a very useful report touching the same matter made by a committee of the Joint Assembly in 1872.

THE WESTERN NORTH CAROLINA RAILROAD. Senator Robinson on yesterday introduced an important bill in relation to the prosecution of the work on the Western North Carolina Railroad. The bill calls for the early completion of this road to Ducktown and Paint Rock. In this connection it must be borne in mind that the original design of the projectors of this great work of internal improvements was to carry the road to Ducktown in order to develop the magnificent country southwest of Asheville, and open up a route to the Gulf States via Chattanooga. Afterwards the charter was amended so as to build a line down the French Broad, in the direction of Knoxville, to Paint Rock.

Thus, we have two lines branching off from Asheville, and two western termini. The Paint Rock branch has from forty to fifty per cent. of its grading completed. About forty per cent. of the grading on the Ducktown route is finished, extending as far as Waynesville.

The bills introduced in the Senate by Messrs. Robinson and Johnston contemplate the completion of both these branches at one and the same time, as nearly as practicable. The legislation which they demand is directed to this common end.

The Democratic party is pledged to the completion of this road—both branches—at as early a date as practicable. The party is pledged, because the people demand it, and the people demand it because the material interests of North Carolina require that the railroad system of the State should be completed, and the inexhaustible riches of our western region made available.

CONGRESS met on yesterday. In our dispatches of this morning will be found a report of the proceedings. This is not the most important Congress ever held at Washington, but it will take rank among the first. The duty of investigating the elections in three States; impeaching the President, and defending the people from the office-holders who would defeat their will—is devolved upon this Congress. North Carolina is splendidly represented there. We may rest content that she will have her full weight in the councils of the nation. We will keep our readers fully informed of the proceedings each day by telegraph and by mail.

General W. P. Roberts, the eldest General of the Army of Northern Virginia, is the only ex-Confederate General in the North Carolina Legislature.—N. Y. Herald.

The *Herald* is mistaken. General Roberts was the youngest, not the oldest, General in the Army of Northern Virginia. The *Herald* must not attempt to strip one of North Carolina's favorite ex-Confederates of this proud distinction.

PERSONAL.

James Gordon Bennett has given \$250 to the Burns monument fund.

John Morrissey is said to have made \$40,000 in commissions on pool selling.

Beecher and Tilton recently traveled from Boston to Portland in the same palace car.

In Oakland, California, a Baptist minister has sued the church for libel, laying the damages at \$10,000.

George Francis Train says Huxley has but one ambition—to dig a Creator out of a mustard seed with a toothpick.

Mrs. Bayard Taylor is making the translations for her husband's "book for boys," which will be published in Germany.

When the managers of a New York theatre decided to produce the farce of "Adam and Eve," all the ladies wanted to be Eve—to save the expense of dress.

The Superintendent of the Massachusetts Insane Asylum thinks the reports of cures in asylums commonly exaggerated. He says more than half of the insane die of the disease.

The Lord Mayor of London, Right Hon. William James Richmond Cotton, is the author of "Imagination" and other poems, the publication of which has been announced.

Cornell has opened his door to women, and one of the female freshmen, recounting an unpleasant experience, said, "Why, I was made the centre of a circle of which that person was the other end."

A prominent citizen of Indianapolis, who died some time since, bequeathed his library to his several children, and his widow, to be equitably divided. The widow, a second wife, by the way, made the division a few days since. To a widowed daughter of the dead man she sent 134 volumes of Patent office reports a cart load of Congressional speeches, patent medicine almanacs and other trumpery. The daughter had them all carted back and dumped in the front yard of her father's sweet tempered relative.

POLITICAL NOTES.

The Radicals call it "checkmating the supreme court in South Carolina."

Before the election Wm. M. Everts delivered a public address on the political situation. It would be interesting to hear from him now.

Some of the men who in days gone by called him "My dear Mr. Tweed," and received from him \$5,000 for election purposes or an "office for an old friend," now shake their gold-headed canes at him through the iron bars of his prison home, and cry out, "How do you like it, Boss, as far as you've got?"

Now that the United States troops have been withdrawn from the Mexican border, American citizens are insulted and assaulted without stint. It is not possible to spare sufficient troops from Washington to inspire salutary fear among these Mexicans and Mexican authorities. These border outrages are on the increase.

Congressman Alex. H. Stephens: I anticipate one of the most interesting and important questions which has ever been held. Grave questions may arise, probably will arise, and my hope is that a spirit of moderation and calmness may possess every member. I would deprecate excitement and so far as lies in my power shall try and allay it. I sincerely and earnestly hope that a spirit of patriotism will prevail, and in the adjustment of any complications which may arise the only aim will be simple justice and a full compliance with the requirements of the constitution as framed by our fathers.

NORTH CAROLINA.

Heavy snow reported up west.

The Cabarrus county Superior Court met yesterday.

The citizens of Cabarrus county have organized an Immigration Society.

Catastrophic fever is raging in Rockingham, Richmond county, and vicinity.

Col. Wm. A. Weddington of Cabarrus county, died very suddenly last Wednesday.

A large number of communicants have been added to the Presbyterian Church at Statesville.

Miss Sallie Harrison, of Lenoir, Caldwell county, was found dead in her bed last Friday morning.

A fine horse and \$800 in cash were recently stolen from Messrs. R. E. Q. M. C. Reeves, of Siler, Surry county.

The Eastern Medical Association meets in Tarboro to-day. (Tuesday) Dr. W. T. Ennett, of Pender county, is the annual orator.

The Lenoir Tropic of Thursday last has the following statistics of methodism in Caldwell county: Rev. G. W. Ivy, who has been on the Caldwell circuit (M. E. Church South) for the past four years, reports that when he took charge of the circuit in 1872, the membership was 724. Since then 33 have died; 16 expelled; 84 removed to other charges; 225 new members received—not including infants baptized. The present membership is 815. The foregoing does not include the statistics of the station at Lenoir in charge of Rev. W. M. Robey.

Rebecca Chisholm, a colored woman, living on the premises of Mr. W. C.

McDonald, about a mile from Rockingham, Richmond county, left her house last week Tuesday morning and went off for some purpose leaving her two infant children, the oldest only two years, wrapped up in a palmetto bed, and, asleep, locking the door after her on retiring. The palmetto, by some means took fire, and when the woman returned she found the younger one of the children burnt entirely to death, and the other very severely.

Remarks of J. L. Robinson, in Joint Assembly, on Thursday, Nov. 28th 1876.

The Joint Assembly having under consideration a proposition to correct and amend the defective and irregular returns in certain counties of the State; under Mr. Henderson's resolution the county of Jackson was first called. It was incorrect in that Thomas "M." Settle was voted for instead of Thomas Settle receiving 288 votes and Z. B. Vance 628. Mr. Henderson said that the votes were counted for "Thomas Settle," Mr. Robinson said:

Mr. Speaker:—In supporting the motion of the gentleman from Rowan (Mr. Henderson) I will say that I think it is of the first importance that this Joint Assembly should ascertain definitely what the nature of the defects or irregularities is; and then in the next place to see if these irregularities cannot be reconciled with well settled principles of justice, and precedents sustained by high legal authorities. In addition to the case of Jackson county, now under consideration, where "Thomas M. Settle" is certified by the Sheriff as having received (288) two hundred and eighty-eight votes, (instead of Thomas Settle,) we have various other irregularities presented by the returns under consideration. To particularize the following counties are certified to have voted for the various candidates for State offices by surnames only, viz: Randolph, Swain, Forsythe, Bertie and Tyrrell. In the county of Swain, the Sheriff has certified that the votes were given for "T. T. Hargrove and Thomas S. Kenan" were voted for as candidates for Auditor. In the county of Yancey the returns were incorrect in that Thomas "A." Jarvis and W. Wheeler are said to have been voted for Lieutenant-Governor and Treasurer, instead of Thomas J. Jarvis and W. H. Wheeler. The county of Warren is reported as having voted for Joseph "W." instead of Joseph A. Engelhardt. In Cherokee county the returns are incorrect in that the votes were given for "J. S. Kenan" was voted for as candidate for Attorney-General. In the returns from the county of Dare it appears that N. Love was voted for as Auditor and that W. Wheeler was voted for as Treasurer.

Now Mr. Speaker, I have stated in the Joint Assembly that a gentleman on the other side, that there is "no authority in law or in reason" for this Joint Assembly to go forward and correct these imperfections that I have mentioned. If the proposition be correct, I apprehend we have only two alternatives: To send our messengers for the correct returns to the counties sending incorrect ones, or to the State of North Carolina, or to set the returns aside as rejected, and thus upon the most trifling technical irregularity, defeat what we will all concede to have been the intention of the people of these counties, as solemnly expressed at the ballot-box on the 7th of this month.

In discharging our duty upon this question, involving a most delicate responsibility, and vitally affecting the highest constitutional privilege known to our system of government, I know I speak the sentiments of every honest patriot in North Carolina when I say that we cannot afford, upon bare technicalities, to say that the votes cast for Thomas "M." Settle—and so of the other cases mentioned. Fortunately for this Joint Assembly, we are not left to grope our way on this question through darkness and fog, but our path is illuminated by authorities and precedents furnished by the action of the Joint Assembly sitting in this hall in 1872, for the purpose of counting the votes given for candidates for the various State offices at the election held in August.

That Joint Assembly appointed a joint select committee of both Houses distinguished for its ability, and who were charged with the duty of investigating and reporting upon the irregularities in the returns from certain counties. This committee was composed of able and distinguished leaders of both political parties, Messrs. McGeehe, Bennett, Badger, Dunham and Seymour, submitted the very clear and exhaustive report which I hold in my hand.

Among other irregularities mentioned by this committee are these: That in thirty-eight counties there were cast for James Reid for Superintendent of Public Instruction 41,978; in forty-five counties there were cast 48,703 votes for James C. Reid for the same office. And that in four counties, to-wit: Randolph, Cabarrus, Bertie and Alexander, there were cast for Reid, without using any christian name whatever, 4,061 votes. The last named counties had defective returns for Messrs. Henderson and Johnston for Superintendent of Public Instruction, in that the christian name of that gentleman was omitted. In the returns for Tazewell, from the last named four counties, the initial letter, of the christian name was omitted, while in the New Hanover returns, it is styled and designated *Casswell L. Hargrove*.

The returns from Hertford styled Mr. Brogren *John H. Brogren* instead of *Curtis H. Brogren*; while in Forsythe and Washington Mr. Seppark is styled *John H. Seppark* instead of *James H. Seppark*.

It will thus be seen that the imperfections presented by the returns from many of the counties in 1872 are almost identical with the errors and defects that have been under consideration now. The committee after presenting a summary of the imperfections proceeded as follows:

"From an examination of the statements thus submitted, it will be seen that the returns are imperfect only in the fact that the names were imperfect in the Sheriff's certificate. These defects are reducible to five classes.

1st. Where the initial letter only of the christian name is given.

2d. Where the initial letter of a supposed middle name is interpreted.

3d. Where the name is misspelled.

4th. Where the surname only is given.

5th. Where a wrong christian name is given.

"In the returns for Superintendent of Public Instruction for a superior number of these defects occur than in

any other. Thus, the returns show that 41,967 votes were given for James Reid, which was the real name of the candidate and which are therefore perfect. That 48,703 votes were given for James C. Reid, and that 4,061 were given for Reid.

"The question presented is how are the returns, containing the names thus imperfectly given, to be disposed of? Are the votes contained in these returns to be counted for the candidates named? Your committee find in our report no cases to guide them in the inquiry with which they are charged; the system under which such cases arise being of recent introduction. But in those States where the system has been long in operation, the cases are numerous and the principles well settled. Your committee cite such and such only as bear directly upon the inquiry with which they are charged.

"1st. The cardinal rule is to give effect to the intention of the voter, when left in its uncertainty by the returns. People vs. Matheson, 17, Ill. 169. People vs. Cook 8th N. Y. 167; State vs. Elwood, 12, Wis., 551. People vs. Bates 11 Mich. 362.

"2d. That the intention may be explained by the surrounding circumstances, from facts of a public nature connected with the election, &c.

"3d. The ballot—and, it is to be presumed, the return—should show upon its face for what office the person named upon it is designated. People vs. Matheson, 17, Ill. 167.

"4. Among the facts which may be resorted to in support of and in explanation of the intentions of the voters are these: That certain persons were candidates, and the only candidates, for particular offices—People vs. Cooke, *supra*; that the county is generally divided into two political parties and that these parties employ, as a part of their machinery, conventions, through which they put in nomination certain names for certain positions. At the same time, the usual discipline which obtains in the parties of the day is not to be ignored. *Vide* Cooley's Constitutional Limitations, 2d Ed. 611. Errors in spelling will not defeat the ballot, if the sound is the same. Attorney-General vs. Ely, 4 Wis. 4. People vs. May woven, 5 Mich. 135. Cooley's Constitutional Limitations, 2d Edition, 578. Nor abbreviations, if such were in common use and generally understood, so that there can be no reasonable doubt of the intent. People vs. Ferguson, 8 Conn. 102.

"Passing from the general principles to the particular imperfections under examination, your committee find every point brought in question by these returns covered by decisions of courts in other States. These decisions were made indeed upon the returns from the parties of the day, but it is conceived that they apply to both. Thus in reference to the returns for James C. Reid it is laid down that, as the law knows only one christian name, when the party has none the sound of a wrong initial, will not render a ballot null and void. People vs. Cooke, 14 Bar, 259 8 N. Y. 67. Cooley's Const. Lim., 610. The return for Reid without any christian name finds an exact parallel in the case of the Attorney-General vs. Ely, 4 Wis. 429, where a ballot containing the surname only was counted for the candidate, which upon the return was approved by the court. To the same effect is the case of State vs. Elwood, 12 Wis., 551, and the People vs. Bates 11 N. Y. 84. Cooley's Const. Lim., 609. In the return for Lieutenant Governor the imperfection arises from misspelling. The name of one of the candidates is in some instances spelled "Hughe's" omitting the letter "e," and in the other in some instances "Brogren" omitting the letter "d." In the former the sound is the same, and comes strictly within the doctrine cited above, that errors in spelling will not defeat the ballot, if the sound is the same. The latter, like the former, omits a letter which varies somewhat the sound, but your committee submit is substantially embraced within the doctrine of the case cited. This conclusion is strengthened by the principle above mentioned, which allows the fact to be taken notice of that *Curtis H. Brogren* was the candidate for that office on the Republican ticket, and there can be no reasonable doubt that his name was intended.

"The second question is of a praver kind, viz: That one of the returns (to-wit: the county of Hertford) has the name of John H. Brogren, and the name here is entirely different from that of the candidate, and making the most liberal intendments in support of the intention supposed to be indicated by the returns, your committee submit that it would be relaxing the rigor of the law, and that it should be thrown around this constitutional privilege, the highest under the government, to allow the name of John H. Brogren to be counted for Curtis H. Brogren. The same rule of exclusion applies to the returns from Forsythe and Washington, so far as one of the candidates for Superintendent of Public Works is concerned, who is styled *John H. Seppark*.

"The returns for Attorney-General present a point not disposed of by the authorities above cited, except the returns from New Hanover. Here the question arises from the wrong initial letter to the christian name of one of the candidates. The return being for "Casswell L. Hargrove" instead of "Curtis L. Hargrove" it is true that in the returns the letter "S" is used in the place of "Z," but *idem sonans* is virtually preserved except for the recurrence of the first letter. But the point, as presented by the returns, is covered by the case before mentioned, *Atty-General vs. Ely*, 4 Wis., 429. The principle there established is, that wrong initials are given to the Christian name, the ballots were allowed to the candidate, the facts of public notoriety being such as to show that they were intended for him.

"Every embarrassment is removed from the case of Mr. Hargrove by the returns which your committee have obtained since their appointment, and in pursuance of the joint resolution empowering them to send for persons and papers. These returns from the register of Deeds and hereafter for Tazewell L. Hargrove for Attorney-General. The returns from several counties mentioned above give only the surnames of certain of the candidates—these we took over from the principles already cited.

"In conclusion, your committee recommend that the entire votes, as returned for the several executive offices, be counted as the same, except the votes as contained in the returns from Hertford for John Brogren.

den for Lieutenant Governor, and those contained in the returns from Forsythe and Washington for John H. Seppark as Superintendent of Public Works. We have not sent for the returns from these counties as they will not materially vary the result."

Thus Mr. Speaker, we have for your guidance the result of the law and the intention of this committee, which is contained in this report, a part of which I have quoted here in support of my position on this question. At all times it is my earnest desire to respect and assist in carrying out the will of our people, who fairly expressed at the ballot-box but especially do I feel so in a juncture like the present, when our republican system of government seems to be tottering almost from the wreck given to the moral sense of the American people by partisan returning boards in some of our sister States. Let us here be guided by a single vote not may be deprived of a single vote for him upon a mere quibble or technicality, but that every ballot reported here be counted according to the true intention of the voter whether that ballot shall have been cast for a Republican or for a Democrat.

Having stated my position upon this question and fortified that position by the precedent established by our Joint Assembly in 1872 I confidently appeal to this Assembly to reaffirm that precedent, and to the honest and patriotic heart of our whole people for an endorsement of the great principles of justice and equity, which are embodied in the line of action I have attempted to point out.

DRY GOODS.

52 FAIRVIEW ST. 52

New Store. New Goods.

Just Opened.

NEW STOCK

Dry Goods and Clothing,

Gents' Furnishing Goods.

DRESS GOODS AND CALICOES,

BOOTS, SHOES AND UMBRELLAS

HATS, CAPS AND FURS.

Having removed from our old place a business to the well known store of James M. Towles, No. 52, Fayetteville street, we are prepared to meet the wants of our friends and customers.

Come and see us in our New Store.

at 22-Dly D. S. WAITT & BRO.

1876. 1876.

DRY FAIL GOODS.

We have just received our complete stock of Goods for the Fall and Winter trade.

We call attention of ladies to our superior stock of Dress Goods, which are much lower than ever known before.

Our Black Alpaca are of the very best quality and at low prices.

Our Stock of Ladies Cloaks is very large of the very latest styles and are selling rapidly.

LADIES' TIES OF THE VERY LATEST STYLE

A Handsome Line of Ruffs and Ladies' collars and cuffs.

Gent's Cassimers, all Grades.

Large lot of Gents' Hats at 50c the best quality in the city, all on a broad

fine Felt Hat.

Canfield Bros and 34

the best made.

A Large lot of Cloth, a

and Leather Belts.

8, special Inducements offered for Mr. Merchant buying in the State. Our wholesale department is complete. PETTY & JONES.

30 Fayetteville St., Raleigh, N. C.

at 10, 76-Dly

CROCKERY, GLASSWARE, &c.

IN SPITE OF HARD TIMES LAW & CO'S

NEW RALEIGH CHINA STORE is a Success.

Our Sales of Crockery, China, Glass, Silver-Ware, Table Cutlery and Lamp Vases &c., have gone far beyond our expectations, and have brought ORDERS and CUSTOMERS from nearly every county in the State.

First-Class Goods, highly selected, and of other kind, in New York, and will sell GAINS in job lots, as well as at every day. WE DEFY COMPETITION in price and quality, and will sell CHEAPLY, and you can buy in any quantity, and of it. Let every one call or write us before buying. SMALL CHINA, GLASSWARE, &c., are packed UP HERE.

QUEENSWARE, China Sets, Knives, Lamps, Silver Castors, Spoons and Forks, CHINA, GLASS, &c., are packed UP HERE.

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